



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fang

Art Unit: 2823

Serial No.: 09/941,963

Examiner: Hsien Ming Lee

Filed: August 28, 2001

Docket No.: 01-P-14755 US

For: Method of Cleaning an Inter-Level Dielectric Interconnect

Commissioner for Patents
Washington, DC 20231

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231.

Natalie D. Swider
Natalie D. Swider

11/25/02
Date

RESPONSE UNDER 37 C.F.R. § 1.111

Dear Sir:

The following remarks are offered in response to the Examiner's Office Action dated August 28, 2002. Applicant respectfully requests reconsideration of the claims in view of the following remarks, which are a full and complete response to the Office Action.

Claims 1-23 are currently pending in the present application. The Examiner rejected claims 1-23 under 35 U.S.C. § 102(e) as being anticipated by Nakagawa et al. (US 2001/0049150 A1). Applicant respectfully traverses this rejection.

Applicant is submitting a Declaration Filed Under 37 C.F.R. § 1.131 to antedate the of Nakagawa et al.'s United States filing date, May 15, 2001. The Declaration shows facts establishing conception of the invention prior to the U.S. filing of Nakagawa et al., coupled with due diligence from prior to the U.S. filing of Nakagawa et al. to the filing of the present application. The Declaration includes exhibits supporting statements made in the Declaration.

The following facts are established by the enclosed 37 C.F.R. § 1.131 Declaration. As evidence of conception at least as early as April 25, 2001, Slater & Matsil, L.L.P. received the invention disclosure contained in Exhibit A. Information regarding the disclosure was entered

6/Response
7. Step 1
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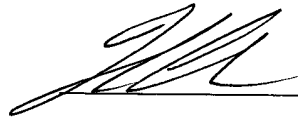
into the firm's docket system, and the report generated therefrom is contained in Exhibit A. The inventor provided Applicant's Attorney with an email showing that on May 10, 2001, the inventor sent an email to two co-workers illustrating the results of an initial etch rate study with nitrogen addition during liner sputter pre-clean. The email is contained in Exhibit B. Between May 16, 2001 and August 28, 2001, with the assistance of a technical writer, Mea Butler, Applicant's Attorney prepared the specification of the present patent application. This activity is summarized in the invoice from Slater & Matsil, L.L.P. to Infineon Technologies North America contained in Exhibit C. Slater & Matsil, L.L.P. filed the present patent application with the United States Patent and Trademark Office on August 28, 2001. A copy of the return postcard for this filing, stamped by the United States Patent and Trademark Office, is contained in Exhibit D.

Applicant respectfully submits that the above-described sequence of events, evidenced by the Declaration Filed Under 37 C.F.R. § 1.131 and the accompanying documents, establishes conception of the invention prior to the U.S. filing of Nakagawa et al. on May 15, 2001, and establishes due diligence from prior to May 15, 2001 to the filing of the present application on August 28, 2001.

For the above reasons, this application is considered to be in condition for allowance and such action is earnestly solicited. Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

11/22/02
Date



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